

IN THE CLAIMS:

This listing of claims replaces all prior versions and listings of claims in the application:

- 1) (currently amended) A fastener apparatus for use in surgery comprising:
- a body having a base and a leg extending from said base; said body having a width dimension; said leg having an initial pointed end, an unformed length dimension measured from said base to said initial pointed end that is long enough to extend out of a patient when the base is in anchoring position within the patient's body, the leg configured to be cut between the base and the initial pointed end to a formed length dimension measured between said base and a new end, with the new end located between the initial pointed end and said base such that the unformed length is greater than the formed length, the leg formed from material that is ~~plastically~~ deformed when the leg is bent to force the new end back towards the base to secure the fastener to tissue;
- [[and]]
- a pledget on the body adjacent the base ; and
- a tool for bending the new end after the leg is cut to force the new end back towards the base to secure the fastener to tissue.

2-4) (canceled)

- 5) (currently amended) A ~~wire~~ fastener apparatus for use in minimally invasive surgery comprising:

a U-shaped body having a base and two legs extending from said base; said body having a width dimension measured from one leg to the other; each leg having a pointed end and a length dimension measured from said base to the pointed end thereof that is long enough to extend out of a patient when the base is in anchoring position within the patient's body; the length dimension of each leg being greater than said width dimension by a factor of five or more, the body formed from material that is ~~plastically~~ deformed when the leg is bent to force cut ends of the legs back towards the base to secure the fastener to tissue; [[and]]

a pledget on the body adjacent the base; and

a tool for bending the new end after the leg is cut to force the new end back towards the base to secure the fastener to tissue.

6) (canceled)

7) (currently amended) The fastener apparatus defined in claim 5, wherein the length dimension of said leg is greater than said width dimension by a factor of ten or more.

8) (currently amended) The fastener apparatus defined in claim 5, wherein the length dimension of said leg is greater than said width dimension by a factor of one hundred or more.

9-20) (canceled)

21) (currently amended) A method of placing a fastener in a patient during surgery comprising:

providing a fastener for use in surgery having a body having a base and a leg extending from said base, said leg having a pointed end and a length measured from said base, said length being indeterminate;

locating the fastener inside a patient on one side of a tissue being operated on;

driving a pointed end of the fastener through the tissue;

grasping the leg after the leg has penetrated the tissue;

tensioning the leg and moving the base of the fastener against the tissue;

immobilizing the leg on the other side of the tissue;

engaging the end of the immobilized leg; and

bending the leg using a tool to ~~plastically~~ deform the leg and force the end back towards the base of the fastener.

22) (original) The method defined in claim 21 in which the step of immobilizing the leg is performed by grasping the leg on the side of the tissue opposite that of the base of the fastener whereby the tissue is located between the base of the fastener and any means used to immobilize the leg.

23) (original) The method defined in claim 22 further including a step of cutting the leg.

24) (currently amended) A method of placing a fastener in a patient during surgery comprising:

providing a fastener for use in surgery having a body having a base and a leg extending from said base, said leg having a point on one end thereof and a length measured from said base, said length being indeterminate;

locating the fastener inside a patient on one side of a tissue being operated on;

driving a pointed end of the fastener through the tissue;

engaging the fastener only at the leg after the leg has penetrated the tissue;

tensioning the engaged leg and moving the fastener until the base of the fastener moves against the tissue;

engaging the end of the immobilized leg; and

bending the leg using a tool to ~~plastically~~ deform the leg and force the end back towards the base of the fastener.

25) (currently amended) A method of placing a fastener in a patient during surgery comprising:

providing a fastener for use in surgery having a body having a base and a leg extending from said base, said leg having a point on one end thereof and a length measured from said base, said length being indeterminate;

locating the fastener inside a patient on one side of a tissue being operated on;

driving a pointed end of the fastener through the tissue;

using only the leg of the fastener, moving the fastener into position;

cutting the fastener between the base and the pointed end to form a new end on the leg;

and

bending the new end using a tool to ~~plastically~~ deform the leg and force the new end back towards the base of the fastener.

26) (currently amended) A method of placing a fastener in a patient during minimally invasive surgery comprising:

providing a fastener having a body with a formable portion and having a base and a leg extending from said base; said body having a width dimension; said leg having a pointed end;

locating the fastener inside a patient on one side of a tissue being operated on;

driving the pointed end through the tissue;

grasping the leg after the leg has penetrated the tissue;

tensioning the leg and moving the base of the fastener against the tissue;

immobilizing the leg on the other side of the tissue;

cutting the leg between the base and the pointed end to form a new end on the leg;

engaging the end of the immobilized leg; and

bending the leg using a tool to ~~plastically~~ deform the leg and force the end back towards the base of the fastener.

27) (original) The method defined in claim 26 including placing a pledget on the fastener adjacent to the base.

28) (original) The method defined in claim 26 including placing a prosthesis on the fastener from the pointed end and moving the prosthesis on the fastener leg into position adjacent the tissue.

29) (original) The method defined in claim 26 including grasping the tissue prior to driving the pointed end through the tissue.

30) (original) The method defined in claim 26 including placing a plurality of fasteners.

31) (original) The method defined in claim 30 including a step of organizing the fasteners.

32-73) (canceled)

74) (currently amended) The fastener apparatus defined in claim 1, wherein the unformed length dimension measured from said base to said initial pointed end is between ten and twenty inches.

75) (currently amended) The fastener apparatus defined in claim 5, wherein the length dimension measured from said base to the pointed end is between ten and twenty inches.

76) (currently amended) The fastener apparatus defined in claim 5, wherein the U-shaped body includes an abrupt bend between the base and each leg.